

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No.: 4:13 CR 190 - 02
)	
Plaintiff)	
)	
v.)	JUDGE SOLOMON OLIVER, JR.
)	
CORNELIUS D. BUTLER, III)	ORDER ACCEPTING PLEA
)	AGREEMENT, JUDGMENT AND
Defendant)	REFERRAL TO U. S. PROBATION
)	<u>OFFICE</u>

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge William H. Baughman, Jr., regarding the change of plea hearing of Cornelius D. Butler, III, which was referred to the Magistrate Judge with the consent of the parties.

On April 10, 2013, the government filed a forty-nine count Indictment, charging Defendant Cornelius D. Butler, III, with Conspiracy to Possess with Intent to Distribute and to Distribute Heroin in violation of Title 21 United States Code Section 846; Knowingly and Intentionally Distributing and Possessing with the Intent to Distribute Heroin in violation of Title 21 United States Code Section 841(a)(1) and (b)(1)(C) and 18:2; and Use of a Telephone to Facilitate Drug Trafficking, in violation of Title 21 United States Code Section 843(b). Defendant Butler was arraigned on May 30, 2013, and entered a plea of not guilty to Counts 1, 5, 6-14, 19, 29, 31-32, 35, 37-38, 41 and 44 of the Indictment, before Magistrate Judge George J. Limbert. On December 17, 2013, Magistrate Judge William H. Baughman, Jr., received Defendant Butler's plea of guilty to

Count 1 of the Indictment, and issued a Report and Recommendation (“R&R”), concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge’s R&R in the fourteen days after it was issued.

On de novo review of the record, the Magistrate Judge’s R&R is adopted. Defendant Butler is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Butler is adjudged guilty to Count 1 of the Indictment, in violation of Title 21 United States Code, Section 846, Conspiracy to Possess with Intent to Distribute and to Distribute Heroin. This matter was referred to the U. S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on March 18, 2014, at 2:00 p.m., in Courtroom 19-A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.

CHIEF JUDGE

UNITED STATES DISTRICT COURT

January 8, 2014